

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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-----X (ECF)  
BODO PARADY, as Special Administrator of the Estate 07 CIV 3640 (JCF)  
of SABINA PARADI and BODO PARADY and MARY  
MOORE, individually,

Magistrate Judge Francis  
-all purposes-

Plaintiffs,

MICHAEL R. PHILLIPS,

**REPLY AFFIDAVIT IN  
FURTHER SUPPORT  
OF MOTION FOR  
SUMMARY JUDGMENT**

Defendant,

-----X  
STATE OF NEW YORK )  
ss:  
COUNTY OF WESTCHESTER)

MICHAEL V. KAPLEN, being duly sworn, deposes and says:

1) I am a member of the law firm of DE CARO & KAPLEN, LLP, attorneys for plaintiffs in the within action, I submit this affidavit in connection with Plaintiffs Motion for Summary Judgment in reply to defendant's opposition in order to submit exhibits in support of the motion for consideration of this Court.

2) Annexed hereto are the following exhibits in reply to defendant's opposition:

- A. Signed statement of MATTHEW BLANK
- B. Police Notes of Interview of MARIA EBERLINE
- C. Police Notes of Interview of SHARLENE AQUILLER
- D. Signed statement of defendant MICHAEL PHILLIPS
- E. Police Detective Report "Case Closure"
- F. Police Accident Report with Code Sheet
- G. Transcript of testimony of Police Officer Redland

H. Highway District Field Report

Dated: Pleasantville, New York  
February 4, 2008

DE CARO & KAPLEN, LLP

By: S/ Michael V. Kaplen

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